

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

JOHN TEMPLEMIRE,

Appellant,

v.

W&M WELDING, INC.,

Respondent.

DOCKET NUMBER WD74681

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 26, 2012

APPEAL FROM

The Circuit Court of Pettis County, Missouri
The Honorable Robert L. Koffman, Judge

JUDGES

Division Two: Hardwick, P.J., and Smart and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Gene P. Graham and Bryan White
Independence, MO

Attorneys for Appellant,

James T. Buckley
Sedalia, MO

Attorney for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

2. The trial court was not required to give a pretext instruction, but the decision to do so is wholly within the trial court's discretion. In this case, the court did not abuse its discretion in refusing Templemire's pretext instruction, as it did not appear to accurately state the law.

Opinion by: Karen King Mitchell, Judge

December 26, 2012

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.